

EXHIBIT NO. 1DATE: 2-19-15BILL NO. SB 297Amendments to Senate Bill No. 297  
1st Reading Copy

Requested by Senator Elsie Arntzen

For the Senate Highways and Transportation Committee

Prepared by Leanne Kurtz  
February 19, 2015 (11:52am)

1. Title, line 5 through line 7.

**Strike:** "CERTAIN" on line 5 through "SERVICES" on line 7**Insert:** "THIRD-PARTY TOWING DISPATCH SERVICES BY A PUBLIC AGENCY;  
AND AMENDING SECTION 61-8-908, MCA"

2. Page 1, line 10.

**Strike:** "and use of the rotation system; and"**Insert:** "the disruption of the rotation system, inflated and  
unnecessary costs to consumers associated with third-party  
towing dispatch services, and certain incentives related to  
towing, impounding, recovering, and storing towed vehicles."

3. Page 1, line 11 through line 16.

**Strike:** "WHEREAS" on line 11 through "vehicles." on line 16

4. Page 1, line 20 through page 2, line 13.

**Strike:** everything after the enacting clause**Insert:** "Section 1. Section 61-8-908, MCA, is amended to read:**"61-8-908. State law enforcement rotation system -- letter  
of appointment -- local government rotation system.** (1) The  
department shall establish and maintain an equitable rotation  
system among qualified tow truck operators that apply to the  
department in writing to be placed on the system and receive a  
letter of appointment under 61-8-920. The rotation system:(a) must be administered by the highway patrol in a manner  
that will give priority to public safety;(b) must be based on the classification of equipment as  
provided in 61-8-905; and

(c) may include only qualified tow truck operators.

(2) Each qualified tow truck operator participating in the  
rotation system shall have available and show upon the request of  
a law enforcement officer:(a) all Montana motor vehicle identification numbers or  
department of transportation numbers for the operator's tow  
trucks operating in the rotation system;

(b) the operator's federal tax identification number;

(c) the operator's company phone number and street address;  
and(d) the operator's letter of appointment as issued under  
61-8-920.

(3) The operator shall display on both sides of each tow truck the operator's business name and location and the numbers required by subsection (2)(a). The information required by this subsection must be plainly seen and able to be read at all times.

(4) Any charges for towing service must be calculated from the operator's business location, as it is assigned on the operator's letter of appointment.

(5) The rotation system is not applicable when the owner or driver of a wrecked or disabled vehicle obstructing a public roadway requests a tow truck operator of the owner's or driver's choice and the operator meets the insurance requirements provided in 61-8-906 and the safety inspection requirements provided in 61-8-907.

(6) (a) (i) The law enforcement officer at the scene of the wreck shall call the qualified tow truck operator that is next on the rotation list if:

(A) a request for a tow truck is not made by the owner or driver;

(B) the requested tow truck cannot respond in a timely manner; or

(C) the law enforcement officer determines that the requested tow truck is unable to handle the wrecked or disabled vehicle.

(ii) If the qualified tow truck operator is not classified to handle the wrecked or disabled vehicle, the officer shall call the qualified tow truck operator next on the rotation list that is classified to handle the wrecked or disabled vehicle.

(b) If a qualified tow truck operator classified to handle the wrecked or disabled vehicle is not reasonably available, the law enforcement officer may request other equipment to remove the hazard.

(7) The department shall administer the state law enforcement rotation system. A qualified tow truck operator may examine the rotation system schedule established by the department in order to determine if the system is being administered in an equitable manner.

(8) A qualified tow truck operator gives implied consent to a reasonable inspection during normal business hours of its premises, vehicles, and equipment by the department of transportation, highway patrol, or a local government to ensure compliance with this part.

(9) A local law enforcement agency may adopt and administer a local law enforcement rotation system that complies with the provisions of this part. A tow truck operator desiring to be placed on the local law enforcement rotation system must be a qualified tow truck operator as provided in this part.

(10) The highway patrol or local law enforcement shall provide upon request a record of rotation system calls for all classes of tow trucks.

(11) Complaints about the rotation system must be referred in writing to the complaint resolution committee established in

61-8-912.

(12) A public agency or its agents may not enter into a contract or agreement with a private entity that offers third-party towing dispatch services for the purpose of dispatching tow trucks on the rotation system."

{ Internal References to 61-8-908:

x61-8-903	x61-8-903	x61-8-904	x61-8-904
x61-8-913	x61-8-920 }	"	

- END -

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